

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEVANTE B. HARRIS,
Plaintiff,

v.

M. DOCANTO,
Defendant.

No. 1:20-cv-00042-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 25)

Plaintiff Devante B. Harris is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 7, 2022, the undersigned issued an order adopting the then pending findings and recommendations, dismissing plaintiff's first amended complaint due to plaintiff's failure to state a cognizable claim and granting plaintiff "one final opportunity to file an amended complaint in an attempt to cure the pleading deficiencies" noted by the magistrate judge. (Doc. No. 23.) Plaintiff was directed to file any such second amended complaint within thirty (30) days of service of the court's order. (*Id.* at 2.) Despite this court's previous order, plaintiff has failed to file any second amended complaint. Accordingly, on March 21, 2022, the assigned magistrate judge issued findings and recommendations, recommending that this case be dismissed due to plaintiff's failure to obey a court order and failure to prosecute this case. (Doc. No. 25.) Those

1 findings and recommendations were served on plaintiff and contained notice that any objections
2 thereto were to be filed within fourteen (14) days of service. (*Id.*) On April 4, 2022, plaintiff
3 filed objections with the court. (Doc. No. 26.)

4 In his objections, plaintiff alludes to several other legal matters he is involved with,
5 including other civil actions and habeas petitions. (*Id.* at 3–4.) Plaintiff asserts that these other
6 matters are preventing him from timely filing his second amended complaint in this case. (*Id.* at
7 4.) Indeed, plaintiff appears to contend that he has sought extensions to file his second amended
8 complaint in this case because his other cases have more “deadlines” and are “frankly, more
9 critical matters.” (*Id.*) The court does not find plaintiff’s objections to be persuasive and agrees
10 with the magistrate judge’s conclusion that “[p]laintiff has not shown good cause for the Court to
11 grant him another extension of time.” (Doc. No. 25 at 2.)

12 In accordance with the provisions of 28 U.S.C. § 636(B)(1)(C), this court has conducted a
13 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff’s
14 objections, the court finds the findings and recommendations to be supported by the record and
15 by proper analysis.

16 Accordingly,

- 17 1. The findings and recommendations issued on March 21, 2022 (Doc. No. 25) are
18 adopted;
- 19 2. This action is dismissed due to plaintiff’s failure to obey a court order and failure
20 to prosecute; and
- 21 3. The Clerk of the Court is directed to close this case.

22 IT IS SO ORDERED.

23 Dated: May 10, 2022

24 
UNITED STATES DISTRICT JUDGE